IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON''BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION No: 2552 of 2005

Between:

N. Somi Reddy S/o. N. Durga Reddy
R/o. Vemulapally Village and Mandal, Nalgonda District

..... PETITIONER

AND

1 The Regional Transport Officer, Warangal.
2 The Inspector of Motor Vehicles, Warangal.
3 The Sub-Inspector of Police, Mills Colony Police station, Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in seizing of Tractor and Trailer bearing No. AP-24T-2820 and 2821 of the petitioner seized under check report dt. 30-12-2004 is highly arbitrary, bad and illegal and consequently direct the respondents to release the Tractor and Trailer bearing No. Ap-24T-2820 and 2821 in favour of the petitioner and pass such other order or orders as deem fit and proper.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORAL ORDER:- (PER TCHSR,J.)

Under the Check Report, dated 30.12.2004, the vehicle viz., Tractor and Trailer bearing Nos.Ap-24T-2820 and 2821 respectively were seized by Assistant Motor Vehicles Inspector, Warangal. Thereupon, the petitioner made a representation, dated 22.01.2005, to the Regional Transport Authority, Warangal, requesting him to release the vehicle in his favour. The grievance of the petitioner seems to be that his representation has not yet been considered by the authorities, and hence he approached this Court for appropriate direction by filing this Writ Petition.

2. Confessedly, the vehicle has been seized on 30.12.2004 under the check report and while seizing the vehicle the party was advised to approach the Deputy Transport Commissioner for the necessary release order, while mentioning the *inter alia* the defects. We are not dealing with the merits in the case. It is for the authority concerned to pass appropriate orders on the representation filed by the petitioner before him in accordance with law.

3. The vehicle cannot be retained forever without passing appropriate orders on the representation made by the petitioner. This Court in ***SALEEM TOURS AND TRAVELS v JOINT TRANSPORT COMMISSIONER AND SECRETARY, REGIONAL TRANSPORT AUTHORITY, HYDERABAD*** laid down the necessary indicia to be followed in such cases where the release of the vehicle is called for. Having regard to the same and in the facts and circumstances of the instant case, we feel it appropriate to direct the first respondent to consider the representation made by the petitioner and pass appropriate orders thereon as expeditiously as possible preferably within two weeks from the date of receipt of a copy of this Order.

4. In the meanwhile, the vehicle in question shall be released in favour of the petitioner on the usual condition of the petitioner furnishing his undertaking that he will not sell or otherwise dispose of the vehicle in any manner besides paying *ad*

hoc amount of Rs.10,000/- (Rs. Ten thousand only) to the first respondent.

5. The Writ Petition is accordingly, disposed of with the above direction. No costs.

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M.H.S. ANSARI, J.

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T.CH.SURYA RAO, J.

Date: 15.02.2005

Note:- Issue Copy on priority basis

(B/o)

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To

1 The Regional Transport officer, Warangal.
2 The Inspector of Motor Vehicles, Warangal.
3 The Sub-Inspector of Police, Mills Colony Police station, Warangal.

4 2 CCs to the G.P. for Transport, High Court of A.P., Hyderabad (OUT).

5 2 CD copies